

Representative Town Meeting of Darien, CT RULES COMMITTEE

Minutes of Regular Meeting, February 27, 2006

8:15 p.m., Town Hall, Room 213

Committee Attendance: K. Armour, J. Davis, D. Maroney, S. Morton, H. Pegler, M. Pontius, B. Puzyk, V. Riccardo, G. Swenson, M. Thorne, J. Warren, V. Wenger

Absent: B. Rayhill

Guests: Peter Hovell, Anne K. Lynn, Lois Schneider, Robert Young

Ms. Armour called the meeting to order at 8:15 p.m. The purpose of the meeting was to review the status of pending items and to complete the agenda for the RTM's March 20, 2006 meeting.

Ms. Armour introduced Ms. Lynn, Chair of the Darien Housing Commission ("DHC"). Ms. Lynn was invited to provide information about the DHC's request for \$200,000 to pay costs that will be incurred as the DHC prepares a redevelopment plan for the Allen-O'Neill Moderate Income Family Homes site. The DHC hopes to provide more, and better, affordable housing in Darien by replacing the existing four bedroom, single-family homes with higher density, cluster style homes that will conform to the character and scale of the surrounding neighborhood. The DHC has requested that \$50,000 of the requested amount be appropriated in the 2005-2006 fiscal year, and that the remainder (\$150,000) be included in the Town's Budget for 2006-2007. The Board of Selectmen has approved the initial appropriation, which was increased from \$45,000 to \$50,000 by that Board. The Board of Selectmen increased the requested amount to assure that the appropriation would be considered and acted upon by the RTM.

To begin, Ms. Lynn confirmed Mr. Davis' clarification that the DHC's request for \$200,000 was split because Selectman Newman requested more information about the DHC's proposed expenditures. She added that the DHC wants to start its work in FY 2006 and conclude it in FY 2007 with a funding application to the Connecticut Housing Finance Authority ("CHFA"). The CHFA administers a Federal low-income tax credit program which could finance up to two-thirds of the \$25 million the DHC expects it would cost to redevelop the Allen-O'Neill site.

The Committee also considered the following issues during its discussion:

Referendum -- If the \$50,000 appropriation is approved by the RTM, the appropriation could become the subject of a referendum.

Board of Finance Action – The RTM cannot consider and act upon the DHC's FY 2006 appropriation request until the Board of Finance approves it. The Board of Finance has not added this appropriation request to its current agenda. Further, Mr. Hovell observed that approving the \$50,000 could be viewed as the Board's implicit approval of the entire \$200,000 request, which, he noted, is not assured. Hence, Mr. Hovell was not certain when the Board of Finance would review the matter.

Timing – The CHFA accepts applications only once a year – at the end of February – and announces the tax credit awards to successful applicants in May or June. The DHC wants to submit an application for redevelopment funding in February 2007 for the following reasons: **1.** this funding source could be limited by the government in the future; **2.** delay sets the project back one more year during which building costs could inflate and the existing stock of 41 single family homes (which

were built as temporary housing for returning WWII veterans) and the site's infrastructure (particularly the sewer pipes) will continue to deteriorate. Capital repairs are consuming an increasing portion of the Darien Housing Authority's ("DHA")¹ budget. The DHA is presently drawing upon its reserves to pay for repairs. The Town does not make appropriations for DHA operating or capital expenses.

Funding – Ms. Lynn acknowledged that the DHA is a credit-worthy landowner that can seek the funds it needs to develop the Allen-O'Neill site from public and private sources. It was also noted that legally the DHC/DHA can proceed to redevelop the site subject only to Planning and Zoning review. However, Ms. Lynn explained, the DHC would prefer to have the Town's support, and the Town can be a partner in a project that will raise the percentage of affordable housing in Darien closer to the State target of 10% by providing the requested funds.

Ms. Lynn noted that the DHC does not intend to return any funds provided by the Town once it has secured permanent financing for the project. Instead, the DHC will retain any re-captured pre-development costs in a trust fund for other projects and property maintenance. Ms. Lynn added that Darien has contributed to affordable housing efforts in the past. Most notably, the Town provided pre-development funds, and contributed the land and monies for upgrades, for the DHA's Old Town Hall Senior Housing project.

Committee Action: The Committee unanimously agreed to add the DHC's \$50,000 appropriation request to the agenda for the RTM's March 20, 2006 meeting, and assigned the matter to the **PZ&H** (primary), **F&B** (secondary) and **Public Health & Safety** (secondary) Committees.

With Mr. Morton and Mr. Pegler abstaining, the Committee then unanimously approved the minutes of its 2/13/06 meeting.

By unanimous vote, the Committee agreed to recognize Ms. Schneider, Chair of the Education Committee. Ms. Schneider reported that the Education Committee wondered why it was not assigned to report to the RTM about the appropriation of a \$100,000 gift for landscaping at Darien High School. Mr. Warren explained that until the DHS building project is completed, it is still under the control of the DHS Building Committee. The Building Committee was created, and is subject to oversight, by the Board of Selectmen, not the Board of Education. Further, appropriating the gift for its intended purpose is a financial matter, not an education matter. Hence, the Committee concluded that the matter should be assigned to the F&B Committee only.

Ms. Schneider responded that the Education Committee has worked very closely with the DHS Building Committee, and that the plans for the DHS grounds are governed by the specifications which were written by the Board of Education. Ms. Armour observed that a motion to reconsider the Committee's decision could only be made by a Committee member who had not voted in favor of assigning the matter to the F&B Committee only. Mr. Morton noted that the Education Committee could present a report to the RTM even though it had not been formally appointed by the Rules Committee to do so. Mr. Swenson echoed Mr. Morton, remarking that the Education Committee was not barred from presenting its views. Mr. Thorne observed that re-opening the matter would be awkward for the Committee, which, with 11 of its 13

¹ The Darien Housing Authority is a quasi-governmental body that owns and operates low and moderate income properties in Town, including the Allen-O'Neill site. The DHC acts as the Housing Authority's volunteer Board of Directors.

members attending, voted unanimously to make the F&B assignment at its 2/13/06 meeting. Ms. Schneider agreed to leave the matter as it is, though she worried about the precedent.

Mr. Davis then excused himself from the meeting, and the Committee turned to the other pending items listed on its agenda.

Code Changes re: Boats and Harbors. Ms. Armour reported that the Board of Selectmen approved changes to Chapter 5 of the Code in December 2005, but did not extend the Chapter's reach to Darien's "coastlines." She added that the Board of Selectmen has also voted to amend Chapter XIV of the Charter, as distributed to the Committee. Ms. Armour asked when this matter should be presented to the RTM. Mr. Warren noted that Charter changes are subject to public hearing requirements, so it would be impossible to have this matter ready for the 3/20/06 RTM meeting. After Mr. Young observed that the PZ&H Committee would probably be interested in studying the changes, the Committee unanimously agreed to assign the Code and Charter changes re: Boats and Harbors to the **Parks & Rec** (primary), **TGS&A** (secondary) and **PZ&H** (secondary) Committees.

Proposed Changes to Code Chapter 33: Mr. Swenson reported that the Parks & Rec Committee will be meeting on 3/6/06, and that he is unaware of what the Parks & Recreation Commission is doing or feeling about this matter. Mr. Warren said that the TGS&A Committee is ready to present its report at the RTM's 3/20/06 meeting.

General Modifications of the Darien Code: Ms. Armour presented Mr. Warren with a black-lined copy of the modified code, and he asked for a list of the page numbers on which there are changes to speed the review.

Ad Hoc Committee to review Town Hall financial functions: Ms. Pontius, Mr. Morton and Mr. Wenger are ready to organize the Ad Hoc Committee and its work.

The Committee then unanimously agreed to place the DHC appropriation request at the top of the agenda for the RTM's 3/20/06 meeting, and affirmed that the other matters placed on that agenda would be considered in the order set forth in the minutes of the Committee's 2/13/06 meeting.

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Vickie Riccardo, Clerk